

**Ackerman, Joyce**

**From:** Stovall - CDPHE, Curtis <curtis.stovall@state.co.us>  
**Sent:** Wednesday, April 4, 2018 1:30 PM  
**To:** Richard Dean  
**Cc:** Ackerman, Joyce; Mark Adams; Todd Bjerkaas; Dave Folkes, PE; Ben Frissell; Fronczak, David; Henderson, Jerry; Don Hostetter; Ikenberry, Doug; Ketellapper, Victor; jason.king@coag.gov; Alan Linton; martin.ogrady@state.co.us; R. Martin Ostholthoff; Edward Smith; Jonathan H. Steeler (JSteeler@sennlaw.com); Dave Stewart, P.E.  
**Subject:** CDPHE Comments on the Phase 2 Response Document  
**Attachments:** 2018-4-4 CDPHE Comments on Response Document for Phase 2 Nature and Extent Investigation Report - Stratus Redtail Ranch LLC.pdf

Richard,

Please find attached an electronic version of the above-referenced letter. A hard copy of the letter will follow in the mail. Please call if you'd like to discuss the letter.

Sincerely,  
Curt

--  
Curt Stovall, P.E.  
Environmental Protection Specialist  
Solid Waste Permitting Unit  
Solid Waste and Materials Management Program



**COLORADO**  
Hazardous Materials  
& Waste Management Division  
Department of Public Health & Environment

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## COLORADO

Department of Public  
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

April 4, 2018

Mr. Richard Dean  
Stratus Redtail Ranch, LLC  
8480 E. Orchard Road, Suite 1100  
Greenwood Village, CO 80111

RE: CDPHE Comments on the Response Document for the  
Phase 2 Nature and Extent Investigation Report  
Stratus Redtail Ranch, LLC  
Erie, Colorado

SW/WLD/NEU 4.3

Dear Mr. Dean:

The Colorado Department of Public Health and Environment ("CDPHE"), Hazardous Materials and Waste Management Division ("Division") received on February 22, 2018 via email the following document prepared on your behalf:

*"Response to November 15, 2017 letter on Phase 2 Nature and Extent Investigation Report Stratus Redtail Ranch, LLC - Rev 2;"* prepared for Stratus Redtail Ranch, LLC; prepared by Stewart Environmental Consulting Group, LLC; dated February 21, 2017 [sic] (received on February 22, 2018 via email, herein referred to as the "Response Document").

The Division's comments on the following report are presented in a letter dated November 15, 2017:

*"Report on Phase 2 Nature and Extent Investigation at the Stratus Redtail Ranch, LLC, Erie, Colorado;"* prepared for Stratus Redtail Ranch, LLC; prepared by Stewart Environmental Consulting Group, LLC; dated October 20, 2017 (herein referred to as the "Phase 2 Report").

The requirements for the Phase 2 Report are presented in the following work plan and in the Division's approval with modifications letter dated June 13, 2017:

*"Phase Two Work Plan to Determine the Nature and Extent Of Ground Water Contamination and Solid Waste Extent at the Stratus Redtail Ranch, LLC, Erie, Colorado;"* prepared for Stratus Redtail Ranch, LLC; prepared by Stewart Environmental Consulting Group, LLC; dated May 31, 2017 (herein referred to as the "Phase 2 Work Plan").



The Division has completed its review of the Response Document. The following comments should be addressed and incorporated into a revised Phase 2 Report. Please submit the revised Phase 2 Report by May 18, 2018.

1. Response to Comment ("RTC") Numbers 1 through 13, 17 through 22, and 24 are acceptable to the Division. The information provided in the Response Document for these RTCs should be incorporated into the revised Phase 2 Report.
2. RTC Number 14 continues to be misleading and unacceptable to the Division. Specifically, the following sentence is misleading and must be either deleted or revised: *"In addition, the location of certain drum sites are consistent with the statements provided in the of the [sic] PSA report of 1990 which indicate [sic] potential waste in the south draw."* First, the 1990 Preliminary Assessment concludes that the drummed chemical waste from IBM was disposed at Old Erie Landfill, not in the south draw (The south draw is now known as the Neuhauser Landfill). Second, the primary purpose of the buried drum investigation at Neuhauser Landfill was to confirm the Division's hypothesis that the 1990 Preliminary Assessment was incorrect, and that the IBM drums were actually disposed at the Neuhauser Landfill, not at the Old Erie Landfill. Third, the 1990 Preliminary Assessment (on page 12) states that *"Wastes deposited along the south draw include regular solid wastes, photo conductor film (probably from IBM) and occasionally rusted empty drums."* The Division believes the buried drum investigation identified the IBM drums, not "occasionally rusted empty drums." Therefore, "drum sites" identified by the buried drum investigation are not consistent with the findings of the 1990 Preliminary Assessment.
3. RTC Numbers 15, 16, 23, and 25 state that the comments will be addressed in the revised Phase 2 Report. The Division will review the information for these RTCs once the revised Phase 2 Report is received.

Please note that this comment letter on the Response Document does not preclude the Town of Erie from taking independent review action.

The Division is authorized to bill for its review of submittals at \$125 per hour; pursuant to Section 1.7 of 6 CCR 1007-2, Part 1, the Regulations Pertaining to Solid Waste Sites and Facilities. An invoice for the Division's review of the subject document will be sent under separate cover.

Should you have questions about this letter, please contact Curt Stovall at (303) 692-2295 or [curtis.stovall@state.co.us](mailto:curtis.stovall@state.co.us).

Sincerely,



Curt Stovall, P.E.  
Solid Waste Permitting Unit  
Solid Waste and Materials Management Program  
Hazardous Materials and Waste Management Division

ec: Joyce Ackerman - EPA Superfund Technical Assessment and Response Team  
Mark Adams - Waste Connections, Inc.  
Todd Bjerkaas, PLA - Town of Erie Senior Planner  
David Folkes, PE - Geosyntec Consultants  
Ben Frissell - Weld County Department of Public Health and Environment  
David Fronczak - EPA Site Assessment Program  
Jerry Henderson - CDPHE Solid Waste Permitting Unit Leader  
Don Hostetter - Pratt Management Company, LLC  
Doug Ikenberry, PE - CDPHE Solid Waste Compliance Assurance Unit  
Victor Ketellapper, PE - EPA Site Assessment Program  
Jason King, Esq - Colorado Office of the Attorney General  
Alan Linton - Pratt Management Company, LLC  
Martin O'Grady - CDPHE Site Assessment  
R. Martin Ostholthoff - Town of Erie Community Development Director  
Ed Smith - CDPHE Solid Waste Compliance Assurance Unit Leader  
Jonathan Steeler, Esq - Senn Visciano Canges P.C.  
David Stewart, PE, PhD - Stewart Environmental Consultants, LLC

